

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

Qumotria Kennedy; Richard Tillery, on Behalf of  
Themselves and All Others Similarly Situated;  
Joseph Anderson;

Plaintiffs,

v.

The City of Biloxi, Mississippi; John Miller,  
in his official capacity as Chief of Police of the City of  
Biloxi; Judge James Steele, in his individual capacity;  
Judicial Correction Services, Incorporated,

Defendants.

Case No:  
1:15-cv-00348-HSO-JCG

**PLAINTIFFS' PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICUNDUM**

Plaintiffs, by and through counsel, respectfully move this Court for a *Writ of Habeas Corpus Ad Testificandum* to secure the attendance of Plaintiff Richard Tillery, currently confined in the custody of the Mississippi Department of Corrections at the Hinds County Penal Farm, before this Court on March 4, 2016, at 9:00 a.m. for the purpose of participating in a Settlement Conference in the above-captioned matter.

In support of this petition, Plaintiffs respectfully request that this Court consider the following:

1. Richard Tillery is a named plaintiff and potential class member in the above-captioned civil action;

2. Mr. Tillery is currently in the custody of the Mississippi Department of Corrections and confined as a prisoner at the Hinds County Penal Farm (ID Number 194932);
3. A federal court may issue a *Writ of Habeas Corpus Ad Testificandum* to secure the attendance of an incarcerated party before the Court. 28 U.S.C. § 2241(c)(5) and 28 U.S.C. § 1651(a); and
4. Physically appearing before this Honorable Court will enable Mr. Tillery to comply with the Courts' January 8, 2016 Notice of Hearing, which ordered: "Parties and/or company representatives are to be present at the (Settlement) Conference" to be held on March 4, 2016 at 9:30 a.m.
5. Plaintiff Tillery's physical presence at the Settlement Conference will permit him to consider, in a timely manner, any settlement offer by Defendants that may resolve his claims in the above-captioned action.

**WHEREFORE**, Plaintiffs respectfully request that this Court issue a *Writ of Habeas Corpus Ad Testificandum* commanding the warden or supervisor of the Hinds County Penal Farm to bring Mr. Tillery to the United States District Court, Dan M. Russell, Jr., United States Courthouse located at 2012 15th Street in Gulfport, Mississippi at 9:00 a.m. on March 4, 2016; and upon discharge by Order of this Court, to return Mr. Tillery safely to Mississippi Department of Corrections custody at the Hinds County Penal Farm.

DATED this March 1, 2016.

Respectfully Submitted by,

s/ Nusrat J. Choudhury

Nusrat J. Choudhury\*

Dennis Parker\*

American Civil Liberties Union Foundation  
Racial Justice Program

125 Broad Street, 18th Floor  
New York, NY 10004  
Phone: (212) 519-7876  
Fax: (212) 549-2654  
nchoudhury@aclu.org  
dparker@aclu.org  
\*Admitted Pro Hac Vice

Charles B. Irvin (Miss. Bar No. 99607)  
American Civil Liberties Union Foundation  
of Mississippi  
233 East Capitol Street  
Jackson, MS 39201  
Phone: (601) 354-3408  
Fax: (601) 355-6465  
cirvin@aclu-ms.org

Pieter Teeuwissen (Miss. Bar No. 8777)  
Anthony Simon (Miss Bar No. 10009)  
Simon & Teeuwissen PLLC  
621 East Northside Drive  
Jackson, MS 39206  
Phone: (601) 362-8400  
Fax: (601) 362-8444  
pteeuwissen@bellsouth.net  
anthonysimonpllc@bellsouth.net

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 1, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all parties registered with the CM/ECF system.

DATED this March 1, 2016.

Respectfully Submitted by,

s/Nusrat J. Choudhury

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*Attorneys for Plaintiffs*